



NOV 24 2015

Dr. Debra Daniels
President
Joliet Junior College
1215 Houbolt Road
Joliet, IL 60431-8938

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Dear Dr. Daniels:

This letter is to inform you that the U.S. Department of Education (Department) intends to fine Joliet Junior College (JJC) a total of \$55,000 based on the violations of statutory and regulatory requirements outlined below. This fine action is taken in accordance with the procedures that the Secretary of Education (Secretary) has established for assessing fines against institutions participating in any of the programs authorized under Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1070 *et seq.* (Title IV, HEA programs). As applicable here, under the Department's regulations, the Department may impose a fine of up to \$27,500 for each violation. 34 C.F.R. § 668.84. As detailed below, this fine action is based on JJC's failure to comply with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act) in Section 485(f) of the HEA, 20 U.S.C. § 1092(f), as reflected in 34 C.F.R. §§ 668.41 and 668.46 (2011).¹

Under the Clery Act, institutions participating in the Title IV, HEA programs must prepare, publish and distribute an Annual Security Report (ASR) by October 1 of each year. 34 C.F.R. § 668.41(e). The ASR must include a description of the institution's campus security policies in specific areas. 34 C.F.R. § 668.46(b). A complete ASR must include all the policy statements listed in 34 C.F.R. § 668.46(b). In addition, the ASR must report statistics for the three most recent calendar years concerning the occurrence of certain crimes on campus, in or on certain non-campus buildings or property, and on public property. 34 C.F.R. § 668.46(c). An institution must compile and publish crime statistics for each separate campus. 34 C.F.R. § 668.46(d). The crimes that must be reported include: criminal homicide (murder and manslaughter); sex offenses (forcible and non-forcible); robbery; aggravated assault; burglary; motor vehicle theft; arson; and arrests for liquor law violations, drug law violations and illegal weapons possession. The ASR must be distributed to current students and employees and must be made available to applicants for admission and employment to provide them with accurate, complete and timely information about crime and safety on campus. 34 C.F.R. § 668.41(e). Institutions must submit the crime

¹ The Department significantly revised 34 C.F.R. § 668.46 in final regulations published on October 20, 2014. However, the fines proposed in this letter are based on violations of the regulations existing during the period covered by the program review.

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statistics annually to the Department, which makes them publicly available. 34 C.F.R. § 668.41(e)(5).

The Department conducted a program review at JJC from December 12, 2011 to December 16, 2011. The review included a general assessment of JJC's compliance with the statutes and regulations governing the institution's participation in the Title IV, HEA programs. The reviewers also examined JJC's compliance with the Clery Act, specifically the accuracy and completeness of campus crime statistics and policy disclosures published in its 2011 ASR.

On February 4, 2014, the Department issued a Program Review Report (PRR) to JJC. As noted in the PRR, the review found that JJC had not complied with the Clery Act and the Department's implementing regulations. JJC responded to the report on April 7, 2014. After reviewing JJC's responses, the Department issued its Final Program Review Determination (FPRD) letter to JJC on August 4, 2015. The FPRD is incorporated by reference into this fine action. (Enclosure 1).

The Department is taking this fine action based on the findings in the FPRD relating to JJC's compliance with the Clery Act which concluded that JJC failed to properly distribute its ASR for calendar year 2011 and all the prior years.

JJC FAILED TO PROPERLY DISTRIBUTE ITS 2011 ASR

Under the Clery Act and the Department's regulations, institutions participating in the Title IV, HEA programs must make available statistical information related to certain reported crimes and arrest/campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistical information must be disclosed by location – on campus (dormitories vs. residential facilities), in or on non-campus buildings or property, and on public property – and must be provided for the three most recent calendar years. 34 C.F.R. §§ 668.46(a), 668.46(c)(1) – (c)(4).

The statistics must be included in the institution's ASR which must be available to students, employees and potential students and employees by October 1 of each year, and must be electronically submitted to the Department for inclusion in the Campus Crime and Security Website. The Department has established timeframes within which institutions must electronically submit information. 34 C.F.R. § 668.41(e)(1)-(e)(5).

Under the Clery Act and the Department's regulations, each institution participating in the Title IV, HEA programs must distribute, to all enrolled students and current employees, its ASR, through appropriate publications and mailings. The ASR must be distributed by October 1 of each year, and may be distribution in a variety of ways including: direct mailing to each individual through the U.S. Postal Service; campus mail, or electronic mail; a publication or publications provided directly to each individual; or posting on an Internet website or an Intranet website. 34 C.F.R. § 668.41(e). If an institution chooses to distribute its ASR to enrolled students by posting the disclosure on an Internet website or an Intranet website, the institution

must, by October 1 of each year, distribute to all current students a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(c)(2) and (e)(2).

If an institution chooses to distribute its ASR to current employees by posting the disclosure on an Internet website or an Intranet website, the institution must, by October 1 of each year, distribute to all current employees a notice that includes a statement of the report's availability, the exact electronic address at which the report is posted, a brief description of the report's contents, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(e)(3).

If the institution chooses to provide its ASR to prospective students and prospective employees by posting the disclosure on an Internet website, the notice must include the exact electronic address at which the report is posted, a brief description of the report, and a statement that the institution will provide a paper copy of the report upon request. 34 C.F.R. § 668.41(e)(4).

As discussed in the FPRD, the Department's reviewers determined that JJC did not distribute its calendar year 2011 ASR to its enrolled students and current employees as required in 34 C.F.R. § 668.41(e)(2)-(e)(3). The College was unable to produce any supporting documentation evidencing that the institution has ever distributed its ASRs as required by the Clery Act and the Department's regulations. In addition, the Department's reviewers determined that JJC did not notify prospective students and employees about the availability of the 2011 ASR as required by 34 C.F.R. § 668.41(e)(4). The College was unable to produce any supporting documentation evidencing that the institution has ever distributed its ASRs as required by the Clery Act and the Department's regulations.

In its response, JJC acknowledged that it had not distributed the ASRs to current students and employees and had not notified prospective students and employees of the availability of the ASR in accordance with legal requirements. JJC stated that it had taken corrective action to ensure that the ASRs would be properly distributed in the future. However, the promise to distribute the ASR in the future does not excuse JJC's earlier failure to comply with the law. The Clery Act requires institutions to provide students and employees and prospective students and employees with vital crime statistics and information through the ASR by October 1 each year. JJC failed to comply with this requirement and thus deprived its students and employees and its prospective students and employees of important safety information.

In determining the amount of a fine, the Department considers both the gravity of the offense and the size of the institution. 34 C.F.R. § 668.92. Pursuant to the Secretary's decision In the Matter of Bnai Arugath Habosem, Docket No. 92-131-ST (August 24, 1993), the size of an institution is based on whether it is above or below the median funding levels for the Title IV, HEA programs in which it participates. The latest year for which complete funding data is available for JJC is

2013-2014 award year. According to the Department records, JJC received approximately \$13,545,954 in Federal Pell Grant funds, 5,235,953 in Federal Direct Loan funds and \$326,898 in Campus-Based funds. The latest information available to the Department indicates that the median funding level for institutions participating in the Federal Pell Grant program is \$1,571,915, for institutions participating in the Federal Direct Loan programs, the median funding level is \$2,408,978, and for institutions participating in the Campus-Based programs, the median funding level is \$266,597. Accordingly, JJC is a large institution because its funding levels for Federal Direct Loan, Federal Pell Grant, and Campus-Based funds are above the median funding levels for those Title IV, HEA programs.

As detailed in this letter, JJC's violations of the Clery Act and the implementing regulations are very serious. These failures could have endangered JJC's students and employees who must be able to rely on the disclosures of campus crime statistics, policies and statements to take precautions for their safety. Moreover, the Department considers an institution's compliance with the Clery Act requirements to be part of its administrative capability and JJC's failure to comply with those requirements constitutes an inability to administer properly the Title IV programs.

I have assessed a fine of \$27,500 for JJC's failure to properly distribute its ASR for calendar year 2011 and prior years to its students and employees. The publication and distribution of the ASR is a fundamental requirement of the Clery Act. The ASR is used to provide important safety and security information to the institution's students and employees so that they can appropriately make important personal safety decisions. Thus, the failure to provide this information, not just for calendar year 2011 but all the prior years is a serious violation of the Clery Act and the maximum fine is an appropriate sanction.

I have assessed a fine of \$27,500 for JJC's failure to properly notify prospective students and employees about the availability of the ASR for calendar year 2011 and prior years. This is a serious violation because prospective students and employees were denied important security and safety information at JJC that would have helped them to make important decisions about whether or not JJC is the right place for them to study or work. The maximum fine is appropriate in this case.

The fine of \$55,000 will be imposed on **December 18, 2015**, unless I receive, by that date, a request for a hearing or written material indicating why the fine should not be imposed. JJC may submit both a written request for a hearing and written material indicating why a fine should not be imposed.

Dr. Debra Daniels
Joliet Junior College

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If JJC chooses to request a hearing or submit written material, you must write to me at:

Administrative Actions and Appeals Service Group
U.S. Department of Education
Federal Student Aid/Program Compliance
830 First Street, NE – UCP-3, Room 84F2
Washington, DC 20002-8019

If JJC requests a hearing, the case will be referred to the Office of Hearings and Appeals, which is a separate entity within the Department. That office will arrange for assignment of JJC's case to a hearing official who will conduct an independent hearing. JJC is entitled to be represented by counsel during the proceedings. If JJC does not request a hearing but submits written material instead, I will consider that material and notify JJC of the amount of fine, if any, that will be imposed.

ANY REQUEST FOR A HEARING OR WRITTEN MATERIAL THAT JJC SUBMITS MUST BE RECEIVED BY DECEMBER 18, 2015; OTHERWISE, THE \$55,000 FINE WILL BE EFFECTIVE ON THAT DATE.

If you have any questions or desire any additional explanation of JJC's rights with respect to this action, please contact Lawrence Mwethuku of my staff at 202/377-3684.

Sincerely,



Susan D. Crim, Director
Administrative Actions and Appeals Service Group
Federal Student Aid/Program Compliance
U.S. Department of Education

Enclosure

cc: Carrie Caine, Assistant to the Vice President, HLC, via ccaine@hlcommission.org
Dr. Karen Hunter Anderson, Executive Director, Illinois Community College Board, via
Karen.h.anderson@illinois.gov